

NOTE FOR RECORD: At Deputies' Meeting 10 November
DCI decided not to attempt to set
up new rules and regulations -- let
matters stay as they are. Advised OO
who will inform 30 October 1958

25X1A [REDACTED] HDS Sheldon.

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Publication of libelous, slanderous and
censorious material

1. This memorandum is for information only.

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2. This Office has reviewed the alternative draft policy statements concerning publishing by [REDACTED] of libelous, slanderous and censorious material. The questions raised by the publication of such material are both legal and policy and in our view the legal aspects are subordinate to the policy questions.

3. The law on libel is not entirely clear as it applies to Government employees and material published by them in the course of their employment. While they are not exempted from suit because of Government employment, there have been no such suits in the history of [REDACTED]. Thus, we feel that the legal risks involved are fairly insubstantial.

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4. While in some cases publication of libelous material could possibly give rise to a cause of action, the relatively small risk involved may well be outweighed by the policy consideration of alerting the official customers [REDACTED] of the fact of such vicious attacks on public personalities either governmental or otherwise. In considering the proposed regulation on this subject, we believe the "first alternative" adequately states the desired policy and is somewhat more flexible than the "second alternative."

5. Adherence to the principles included in the first alternative draft would tend to minimize the legal risks involved. However, it is understood

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that these principles are presently adhered to [REDACTED] This raises the question of whether a policy statement to be included in the regulations is necessary. In view of the unusual nature of each specific case and the judgments to be applied, there seems to be little preference, as a pure legal matter, for publishing a regulation or in fact following the policies which would be enumerated in such a regulation.

[REDACTED]
Acting General Counsel

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Distribution:

- 1 - DCI
- 1 - DDCI w/o att.
- 1 - ER w/o att.
- 1 - DD/S w/o att.
- 1 - DD w/o att.
- 1 - [REDACTED] - [REDACTED] - [REDACTED]

DDC/JSW:mks